

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DOMINIC GEORGE FERNANDEZ,

Plaintiff,

v.

No. CV 16-00179-MV-SCY

ALBUQUERQUE POLICE DEPARTMENT,
INTERNAL AFFAIRS, CIVILIAN POLICE
OVERSIGHT AGENCY, BERNALILLO
SHERIFFS DEPARTMENT, NEW MEXICO
STATE POLICE, NEW MEXICO ATTORNEY
GENERALS OFFICE, EXPRESS INN MOTEL,

Defendants.

ORDER OF DISMISSAL

This matter is before the Court *sua sponte*. On March 11, 2016, Plaintiff filed a document entitled “Complaint”, which the Clerk of the Court docketed as a Prisoner Civil Rights Complaint pursuant to 42 U.S.C. § 1983. [Doc. 1] On March 16, 2016, the Court ordered Plaintiff to cure the following deficiencies in his filing within thirty (30) days: (1) pay a filing fee in the amount of \$ 400 or file a Prisoner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915; and (2) file an amended complaint on the proper form. [Doc. 2] The Court informed Plaintiff that “[f]ailure to cure the designated deficiencies within thirty (30) days from the date of this order may result in dismissal of this action without further notice.” [Doc. 2]

Plaintiff has failed to cure the designated deficiencies in his filing or otherwise respond to the Court’s Order. Because Plaintiff has failed to prosecute his civil rights complaint or comply with the court’s order, Plaintiff’s complaint will be dismissed pursuant to Federal Rule of Civil Procedure 41(b). *See* Fed. R. Civ. P. 41(b); *see also Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3

(10th Cir. 2003) (noting that Fed. R. Civ. P. 41(b) “permit[s] courts to dismiss actions sua sponte for a plaintiff’s failure to prosecute or comply with the rules of civil procedure or court’s orders”).

IT IS THEREFORE ORDERED that Plaintiff’s complaint [Doc. 1] is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(b); and judgment will be entered.

A handwritten signature in black ink, appearing to read 'Martha Vazquez', is written over a horizontal line.

MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE